

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 350 Ellicott Square Building, Buffalo, New York, on the 13th day of November, 2008.

PRESENT: **Frank E. Swiatek, Chairman**
Kelly M. Vacco, Vice Chair
Francis G. Warthling, Treasurer
Robert A. Mendez, Executive Director
Matthew J. Baudo, Secretary to the Authority
Robert J. Lichtenthal, Jr., Deputy Director
Wesley C. Dust, Executive Engineer
Mark J. Fuzak, Attorney
Ronald P. Bennett, Associate Attorney
Paul H. Riestler, Director of Administration
Daniel J. NeMoyer, Public Affairs Officer
Albert J. Meaney, Comptroller
Steven V. D'Amico, Budget and Financial Analyst
Edna Butzer, Senior Account Clerk

ATTENDEES: **Danielle Elliott**

CALL TO ORDER

PLEDGE TO THE FLAG

I. - ROLL CALL

II. - READING OF MINUTES

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to waive the reading of the Minutes of the Meeting held on Thursday, October 30, 2008.

III. - APPROVAL OF MINUTES

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to approve the Minutes of the Meeting held on Thursday, October 30, 2008.

IV. - REPORTS (See "Report" Minutes for Details)

- A) SECRETARY/PERSONNEL**
- B) LEGAL**
- C) FISCAL**

- D) OPERATIONS**
- E) HUMAN RESOURCES**
- F) AUDIT COMMITTEE**
- G) GOVERNANCE COMMITTEE**

V. - COMMUNICATIONS AND BILLS

ITEM 1 - CREATION OF MASTER PURCHASE ORDERS:

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to approve the creation of Master Purchase Order Nos. as listed on the attached sheet page 1 not to exceed the amount of \$712,610.05 and that the Director of Administration be authorized to execute the above and all associated documents after certifying that they are in conformity with applicable laws and the Authority's By-Laws and Purchasing Guidelines, Policies and Procedures.

ITEM 2 - MASTER PURCHASE ORDERS:

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to approve for payment of Master Purchase Order Nos. as listed on the attached sheets pages 1-8 after certification by the Comptroller that the orders are in accordance with the quotations and that the Director of Administration be authorized to execute the above and all associated documents after certifying that they are in conformity with applicable laws and the Authority's By-Laws and Purchasing Guidelines, Policies and Procedures.

VI. - UNFINISHED BUSINESS (NONE)

VII. - NEW BUSINESS (RESOLUTIONS 3-12)

**ITEM 3 - FINAL ACCEPTANCE OF PROJECT WITH AMHERST PAVING, INC.
FOR AREA NO. 2 RESTORATION FOR THE PERIOD OF APRIL 1, 2006
THROUGH MARCH 31, 2008, PROJECT NO. 200600002, CONTRACT NO.
06-08-04 - \$78,807.19**

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Heretofore and on the 23rd day of March, the Erie County Water Authority ("Authority") entered into a contract with Amherst Paving, Inc. for Area No. 2 Restoration for the period of April 1, 2006 through March 31, 2008, identified as Contract No. 06-08-04;

WHEREAS, Amherst Paving, Inc. has submitted a final invoice dated September 17, 2008 in the amount of \$78,807.19; and

WHEREAS, Wesley C. Dust, P.E., Executive Engineer, and Robert A. Mendez, Executive Director, recommend acceptance of said project;

NOW, THEREFORE, BE IT RESOLVED:

That the above project is hereby accepted by the Authority as of the date hereof.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

ITEM 4 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR SMALL SERVICES CONTRACT AREA #1, FEBRUARY 1, 2009 THROUGH JANUARY 31, 2011, PROJECT NO. 200900004

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director recommend that the Erie County Water Authority ("Authority") publish a notice inviting sealed bids or proposals pursuant to Section 1069 of the Public Authorities Law for Small Services Contract Area #1, February 1, 2009 through January 31, 2011; and

WHEREAS, The work, labor and services for the abovementioned project is estimated to cost an amount in excess of \$5,000.00; and

WHEREAS, The Advertisement for Bids for Small Services Contract Area #1, February 1, 2009 through January 31, 2011 will be conducted pursuant to the newly enacted legislation, New York State Finance Law §§ 139-j and 139-k and the Authority's Purchasing Guidelines, Policies and Procedures; and

WHEREAS, James Ehrin, Distribution Engineer will be the designated contact person for the project with the adoption of this resolution;

NOW, THEREFORE, BE IT RESOLVED:

That the plans and specifications and form of bid be prepared for the Small Services Contract Area #1, February 1, 2009 through January 31, 2011 and upon completion be made available for inspection by bidders in the office of the Authority; and be it further

RESOLVED: That the Secretary be and he hereby is authorized and directed to publish a notice inviting sealed bids or proposals pursuant to Section 1069 of the Public Authorities Law for the abovementioned project.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling
Noes: None

ITEM 5 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR SMALL SERVICES CONTRACT AREA #2, FEBRUARY 1, 2009 THROUGH JANUARY 31, 2011, PROJECT NO. 200900005

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director recommend that the Erie County Water Authority ("Authority") publish a notice inviting sealed bids or proposals pursuant to Section 1069 of the Public Authorities Law for Small Services Contract Area #2, February 1, 2009 through January 31, 2011; and

WHEREAS, The work, labor and services for the abovementioned project is estimated to cost an amount in excess of \$5,000.00; and

WHEREAS, The Advertisement for Bids for Small Services Contract Area #2, February 1, 2009 through January 31, 2011 will be conducted pursuant to the newly enacted legislation, New York State Finance Law §§ 139-j and 139-k and the Authority's Purchasing Guidelines, Policies and Procedures; and

WHEREAS, James Ehrin, Distribution Engineer will be the designated contact person for the project with the adoption of this resolution;

NOW, THEREFORE, BE IT RESOLVED:

That the plans and specifications and form of bid be prepared for the Small Services Contract Area #2, February 1, 2009 through January 31, 2011 and upon completion be made available for inspection by bidders in the office of the Authority; and be it further

RESOLVED: That the Secretary be and he hereby is authorized and directed to publish

a notice inviting sealed bids or proposals pursuant to Section 1069 of the Public Authorities Law for the abovementioned project.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling
Noes: None

ITEM 6 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR LARGE SERVICES CONTRACT, FEBRUARY 1, 2009 THROUGH JANUARY 31, 2011, PROJECT NO. 200900003

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director recommend that the Erie County Water Authority ("Authority") publish a notice inviting sealed bids or proposals pursuant to Section 1069 of the Public Authorities Law for Large Services Contract, February 1, 2009 through January 31, 2011; and

WHEREAS, The work, labor and services for the abovementioned project is estimated to cost an amount in excess of \$5,000.00; and

WHEREAS, The Advertisement for Bids for Large Services Contract, February 1, 2009 through January 31, 2011 will be conducted pursuant to the newly enacted legislation, New York State Finance Law §§ 139-j and 139-k and the Authority's Purchasing Guidelines, Policies and Procedures; and

WHEREAS, James Ehrin, Distribution Engineer will be the designated contact person for the project with the adoption of this resolution;

NOW, THEREFORE, BE IT RESOLVED:

That the plans and specifications and form of bid be prepared for the Large Services Contract, February 1, 2009 through January 31, 2011 and upon completion be made available for inspection by bidders in the office of the Authority; and be it further

RESOLVED: That the Secretary be and he hereby is authorized and directed to publish a notice inviting sealed bids or proposals pursuant to Section 1069 of the Public Authorities Law for the abovementioned project.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling
Noes: None

ITEM 7 - AUTHORIZATION TO INSTALL AN EIGHT (8") INCH WATERMAIN IN

**THE SOUTHERLY RIGHT-OF-WAY OF ELLICOTT ROAD, TOWN OF
CHEEKTOWAGA, NEW YORK, PROJECT NO. 200800472, EC NO. 5827**

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, The Erie County Water Authority ("Authority") desires to install an eight (8") inch watermain in the southerly right-of-way of Ellicott Road, Town of Cheektowaga, New York under the Authority's annual large service contract; and

WHEREAS, This hydrant installation has been assigned Work Authorization No. EC 5827 and Project No. 200800472;

NOW, THEREFORE, BE IT RESOLVED:

That an eight (8") inch watermain in the southerly right-of-way of Ellicott Road, Town of Cheektowaga, New York be installed under the Authority's annual large service contract.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

**ITEM 8 - AUTHORIZATION TO GRANT LEAK ALLOWANCE REQUESTS -
\$1,726.13**

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Robert J. Lichtenthal, Jr., Deputy Director advised the Authority that he has received leak allowance requests from Authority customers listed below resulting from a service line leak:

- | | |
|---|--|
| 1) Maney Krystaf
7854 Back Creek Road
Hamburg, NY 14075
\$558.94 | 2) Amherst Manor Apts., Inc.
1525 Amherst Manor Drive
Williamsville, NY 14221
\$1,167.19; and |
|---|--|

WHEREAS, Robert J. Lichtenthal, Jr., Deputy Director advised that the requests contain documentation showing that the leaks have been repaired; and

WHEREAS, Said leak allowance requests have complied with all leak allowance requirements; and

WHEREAS, As stated in Section 9.09 of the Authority's Tariff, the granting of a leak allowance shall be in the sole discretion of the Authority; and

WHEREAS, Robert J. Lichtenthal, Jr., Deputy Director recommends granting the above leak allowance requests; and

WHEREAS, Robert A. Mendez, Executive Director concurs with said recommendation;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority grant the leak allowance requests to the abovementioned customers; and be it further

RESOLVED: That the Comptroller is hereby authorized and directed to adjust the account of the abovementioned customers.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

ITEM 9 - EDNA BUTZER – RETIREMENT

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Edna G. Butzer, Senior Account Clerk, will retire from the Erie County Water Authority effective November 15, 2008; and

WHEREAS, Edna G. Butzer has been employed at the Authority for twenty years and during that period has rendered to the Authority outstanding, dedicated service that will truly be missed;

NOW, THEREFORE, BE IT RESOLVED:

That, on behalf of the Erie County Water Authority, we would like to congratulate Edna and express our sincere appreciation for her service and cooperative spirit throughout her tenure at the Authority; and be it further

RESOLVED: That the Board of Commissioners extends best wishes to Edna for health, happiness and longevity in retirement; and be it further

RESOLVED: That a copy of this resolution be presented to Edna G. Butzer at the Authority's Board meeting on November 13, 2008.

1050

Ayes: Three; Commrs. Swiatek, Vacco and Warthling
Noes: None

ITEM 10 - PURCHASE ORDERS:

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to approve for payment of Purchase Order Nos. as listed on the attached sheets pages 9-13 after certification by the Comptroller that the orders are in accordance with the quotations and that the Director of Administration be authorized to execute the above and all associated documents after certifying that they are in conformity with applicable laws and the Authority's By-Laws and Purchasing Guidelines, Policies and Procedures.

ITEM 11 - PURCHASE ORDER AMENDMENTS:

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to approve for payment of Purchase Order Amendments as listed on the attached sheet page 14 after certification by the Comptroller that the orders are in accordance with the quotations and that the Director of Administration be authorized to execute the above and all associated documents after certifying that they are in conformity with applicable laws and the Authority's By-Laws and Purchasing Guidelines, Policies and Procedures.

ITEM 12 - SERVICE CONNECTION WORK ORDER LIST:

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to approve Service Connection Work Order Nos. 2008-44 and 2008-45, to C. Destro Development Co., Inc. for Service Area No. 1 under Contract No. 07-04-01 and to C. Destro Development Co., Inc. for Service Area No. 2 under Contract No. 07-05-01 and large services under Contract No. 07-03-01 to Kandey Company, Inc.

11/13/08

VIII. - ADJOURNMENT

Meeting adjourned until the next regular meeting to be held on Thursday, November 24, 2008 at 10:00 p.m.

Matthew J. Baudo
Secretary to the Authority

SLZ